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## Letter dated 23 October 2006 from the Permanent Representative of Sweden to the United Nations addressed to the Secretary-General

I have the honour to forward the report of the High-level meeting, on the theme "Gender justice in Liberia: the way forward", which was organized by Partners for Gender Justice, in cooperation with the Ministry of Gender and Development and the Ministry of Justice of the Government of Liberia, on 9 and 10 October 2006 in Monrovia (see annex). The meeting was co-chaired by Lena Sundh, Ambassador for Conflict Management, Ministry of Foreign Affairs, Sweden, and Ooshara M. Sewpaul, Chief Director, Ministry of Justice and Constitutional Development, South Africa.

I would be grateful if the present letter and its annex could be brought to the attention of the members of the Security Council and be issued as a document of the sixty-first session of the General Assembly, and of the Security Council.

(*Signed*) Anders **Lidén**

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**Annex to the letter dated 23 October 2006 from the Permanent Representative of Sweden to the United Nations addressed to the Secretary-General**

**Report of the High-level meeting, on the theme "Gender justice in Liberia: the way forward"**

**9-10 October 2006**

## A. Gender Justice in Liberia

1. Liberia is a country emerging from a devastating conflict of nearly 20 years. In 2003 a Comprehensive Peace Agreement (CPA) was signed and in October 2005 the first post-conflict elections were held. The new government, led by Her Excellency Ellen Johnson Sirleaf was inaugurated in January 2006 in accordance with the CPA and the constitution of Liberia. The new government faces an enormous task of leading progress towards the country's recovery after protracted conflict.

2. The requirements of justice, including gender justice, in a post-conflict society are immediate and vast. Liberia is no exception. It is broadly acknowledged that a country's transition from conflict provides unique opportunities to adopt strategies and policies for the re-establishment of rule of law and the promotion of gender equality and gender justice as well as the direct participation of women in the process.

3. Liberia is taking advantage of this window of opportunity. Liberian women were actively involved in the peace process, leading the Mano River Women Peace Network. They participated actively in the election process, electing the first female President in Africa. President Johnson Sirleaf appointed qualified women in several key leadership positions, including the Ministers of Justice; Gender and Development and Finance. Other gains for gender equality include the passing of an inheritance law and a new rape law. Progress also has been made in strengthening national legal, judicial and correctional institutions. However, while a strong Cabinet and national leadership team has been put into place by President Johnson Sirleaf, capacity at levels below Deputy Minister and Assistant Minister is extremely low. Liberian state institutions and mechanisms responsible for ensuring effective human rights protections for citizens, including the police, the judiciary and the justice system, remain fragile and underdeveloped. Court buildings are either non-existent or in a state of disrepair in many counties, while the shortage of qualified national lawyers has contributed to the denial of due process and fair trials for many accused persons. The new Liberian government has made great strides in the last ten months but all agree that there remains a long way to go. The basic needs of the people, including electricity, food, water, sanitation, health care, education, access to justice, etc. are immediate. The challenges are tremendous but Liberia has the political will and commitment to face these challenges and begin to move forward.

4. In the keynote address at the High Level Meeting on Gender Justice, Her Excellency Ellen Johnson Sirleaf expressed her determination:

> My administration is committed to giving Liberian women prominence in all affairs of our country. We are working to empower Liberian women in all areas of our national life. We are drafting new laws and increasing the weight of laws that promote women's rights and deal drastically with crimes against women. We will enforce, without fear of failure, laws against rape recently passed by the national transitional legislature. We will create legal systems that preserve the rule of law, applied to all without fear or failure.

5. It is against this backdrop that the Partners for Gender Justice, co-chaired by Sweden and South Africa, chose to carry out its first official activity in Liberia, in cooperation with Liberia's Ministry of Gender and Development and Ministry of Justice.

## B. Partners for Gender Justice

6. The formation of the *Partners for Gender Justice in Conflict Affected Societies* is the direct result of a multi-year process involving ground breaking discussions with women from post-conflict societies regarding the needs and challenges toward achieving gender justice in their societies.

7. In 2001, in response to Security Council resolution 1325 (2000), the United Nations Development Fund for Women (UNIFEM) appointed Ms. Ellen Johnson Sirleaf and Mrs. Elisabeth Rehn as Independent Experts to conduct an assessment on the impact of armed conflict on women and women's role in peace-building. Over the course of a year, the Independent Experts visited 14 conflict-affected areas across the globe. They issued a report of their findings entitled *The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peacebuilding* (Progress of the World's Women 2002, Vol. 1).

8. In 2004, building on the findings and recommendations of this assessment, specifically in the area of justice, UNIFEM and the International Legal Assistance Consortium (ILAC) organized a Conference on Gender Justice in Post-Conflict Situations, with the theme *"Peace Needs Women and Women Need Justice"*, from 15-17 September in New York City. This Conference brought together women holding key political, legal and judicial positions from over twelve conflict-affected countries, including Liberia, with representatives of Member States, regional organizations and senior UN officials. Also present were representatives from non-governmental organizations, academic institutions, foundations and private entities. The participants shared their views on how resolution 1325 was, or should be, implemented with a particular focus on justice-related activities of national and international actors on the ground. The report of the Conference was brought to the attention of the Security Council and issued as a document of the Council (S/2004/862 of 26 October 2004).

9. The 2004 Conference was followed by a High-Level Meeting: "Building Partnerships for Promoting Gender Justice in Post-Conflict Societies", organized by the Swedish Ministry for Foreign Affairs, in cooperation with UNIFEM and ILAC, from 25-26 August 2005 in Stockholm (S/2005/669 and A/40/444 on 25 October 2005). The 2005 Meeting focused on the recommendations that emerged from the 2004 Conference, and concentrated particularly on how gender justice requirements, within the context of rule of law and post-conflict peace-building, could be best addressed and operationalized in such settings. The report of the

Meeting was brought to the attention of the Security Council and issues as a document of the Council and the General Assembly (S/2005/669 and A/40/444 on 25 October 2005).

10. Recognizing that the UN system does not have sufficient expertise or capacity to alone provide all of the required support, the participants launched a plan for a partnership for gender justice at the 2004 Conference. The 2005 High-Level Meeting concluded with a commitment by Member States present to support and advance the gender justice agenda via the "Partners for Gender Justice" initiative. It was agreed that Sweden and South Africa would act as the first co-chairs of this initiative with support from UNIFEM and ILAC.

11. The Partners for Gender Justice brings together gender and justice at both the government and implementation levels. The expertise and experiences of the South African Ministry of Justice and Constitutional Development with the Swedish Ministry for Foreign Affairs interlinks with the expertise and experience of UNIFEM in gender development and ILAC in post-conflict rule of law assistance to constitute an effective platform for collaboration and support. The main goal of the Partners is to serve as global advocates for the development of gender justice and thus support and encourage and/or initiate discussions, processes and events that prioritize the rule of law and the principles of equality before the law and highlight the specific needs of women in fulfilling these objectives.

## C. Overview of the High Level Meeting on Gender Justice in Liberia

12. The High Level Meeting in Monrovia brought together high ranking government officials from the region, donors, non governmental organizations, civil society, the United Nations Mission in Liberia, and the Partners for Gender Justice together with Liberia's Ministers of Justice and Gender and Development. The participants came together to address gender justice needs in Liberia: achievements, challenges and how to ensure that gender justice requirements are taken into account in the national development plan and by all national as well as relevant regional and international actors.

13. This report draws liberally on the voices of experience heard at the Meeting. But the Rapportuer has made no attempt to independently validate the statements made at the Meeting. The Rapporteur was Shelby R. Quast. A copy of the High Level Meeting agenda and list of participants can be found on the ILAC website: www.ilac.se

14. Liberia's efforts in the area of gender justice are part of Liberia's overarching Reconstruction and Development Plan. The national Reconstruction and Development Committee, chaired by the President, oversees the subcommittees for each of the four priority pillars: security; economic revitalization; basic services and infrastructure; and rule of law and good governance. Gender is a cross cutting issue. Gender justice is not a stand alone concept but falls clearly under pillar for rule of law and good governance. This pillar covers national legal, judicial and correctional institutions, legislative and constitutional reforms, decentralization, national reconciliation, human rights and civil service reform.

15. Within this pillar, the Minister of Justice and Minister of Gender and Development have agreed to work together with renewed commitment to create a strategic action plan for rule of law and good governance that mainstreams gender justice issues, and includes the strategic plan for Gender Based Violence. The Ministers are dedicated to continued collaboration to ensure close

cooperation between their Ministries and complementary programs that support the strategic action plan.

16. Moreover, it is essential that there be an effective mechanism to identify and harmonize all justice sector development projects and programs in Liberia, including those focused on gender justice, – at the national, regional and international levels. *Ad hoc* reforms and programs may provide short-term solutions but often can be detrimental to longer-term progress or even work at cross purposes to the national plan. Careful formulation, involving all national actors, of a strategic plan for justice could effectively identify short, medium and longer-term development goals and lay out a plan of action to achieve such goals. The Ministers and donors present agreed that any such plan must be part of a solid national strategy for development of the judicial sector. Additionally, crucial to the effective implementation of a strategic plan is the commitment of the national, regional and international actors to support and work within the plan. The Ministers of Gender and Development and Justice have asked to be informed of all on-going and planned projects for implementation in the areas of justice and gender justice development. It is crucial that the development process be a strategic and holistic one.

17. There have been many assessments and studies of the justice and gender needs of Liberia over the last three years, but little project implementation. There is a new administration in Liberia and national expectations are high. The time has come to begin implementation to address these needs. There is a need for high impact projects and quick gains to assure credibility for the new Government—and there have already been many—but there will be no quick fixes. The national, regional and international actors must all realize that this is a long-term process. If Liberia is to move forward, there must be a long-term commitment to the development process.

18. The High Level Meeting on Gender Justice and the resulting report focus primarily on issues addressing gender justice but within the broader justice sector. Implementation of the proposed programs and projects assume concurrent development across all of the priority pillars. Where appropriate, the priority requirements are grouped under the same thematic clusters as the 2004 Gender Justice Conference and 2005 High Level Meeting. Priority requirements, on-going programs, and assistance needed are listed for each cluster.

## C. Priority Requirements and Assistance Needed

### I. Reform of National Laws (Including Customary/Traditional Systems of Law) and Constitutions to address Discriminatory Practices and Gaps and to Advance the Protection of Women's Rights in Conformity with International Law

19. There is a need to thoroughly review the laws of Liberia for compliance with the Constitution and ratified international instruments as well as conformity with international laws. Gaps and discriminatory practices must be identified so that once the law reform commission is in force these issues can be addressed. The South Africa Law Review Commission, established in 1973, is an active and well-respected institution. It was suggested that Liberia review the activities and best practices of the South African Law Review Commission and others for potential application in Liberia.

20. There are obligations that come with ratification of international and regional instruments and it was made clear that the new Government of Liberia takes these responsibilities seriously.

Liberia acceded to the Convention on the Elimination of all Forms of Violence Against Women (CEDAW) in 1984 but has never submitted initial or subsequent periodic reports. It is also a party to the African Charter on Human and Peoples' Rights (ACHPR) and ratified the Protocol on the Rights of Women in Africa in 2005.

*Programs: A delegation of CEDAW Committee experts traveled to Liberia in June to work with the Ministers and others to regarding the reporting requirements for CEDAW.*

*Assistance needed: There is a need for technical assistance to comply with reporting and record keeping requirements attached to international instruments.*

21. There is an urgent need for an in-depth review of the laws of the Hinterland for compliance with the Liberian Constitution, international standards and treaty commitments. While the Minister of Justice honors the customs of the people of Liberia, she cannot condone customs in violation of the organic law or the Constitution of Liberia. The laws of the Hinterland are generally administered in traditional courts and fall under the responsibility of the Ministry of the Interior, not the Ministry of Justice. Many of these laws have a particularly adverse effect on the rights of women. Moreover, former male child soldiers are now taking leadership roles in the traditional justice system; these men have little or no training and are often unaware of the laws. There is a concern that if these young untrained former soldiers are put in positions of power there will be no justice, let alone gender justice.

*Assistance needed: There is a need for technical assistance in reviewing and analyzing the traditional system of laws, customs and practices within the Liberian culture for compliance with the Liberian Constitution, international standards and treaty commitments.*

*Programs: OXFAM has a program working with a local NGO to inform traditional leaders of gender issues and international human rights standards.*

22. The public must be involved in the process of law reform. There is an ongoing need for civic education to sensitize and inform the public about the Liberian laws, international commitments, standards, etc. and how they affect their daily lives. New laws regarding inheritance and rape were recently passed but few people outside the capital know the content of these laws or how they may affect their lives.

*Programs: Women's organizations, including the Association of Female Lawyers of Liberia (AFELL), are advocating for a program of dissemination of laws and legal assistants in the counties.*

*Assistance needed: Donor partners are needed to get this program off the ground by providing resources and capacity building for local NGOs and women in the counties.*

## II. Ending Impunity for Crimes Against Women and Creating an Environment of Accountability, Reconciliation and Tolerance: Establishment of More Gender-Sensitive Justice and Transitional Justice Mechanisms and Provisions of Reparation and Rehabilitation Services to Victims

23. Serious war crimes and crimes against humanity, including systematic rape and other forms of sexual violence were committed during the Liberian conflict. Thousands of women and girls were affected. A Truth and Reconciliation Commission (TRC) was inaugurated in February 2006 and launched its operations in June 2006. The TRC has the broad purpose of promoting national peace, security, unity and reconciliation. The first operational activity of the TRC has been the recruitment and deployment of statement takers to all the counties in the country. Their training included a component on gender issues and perspectives. Much more training and technical assistance will be required to ensure that women participate fully in this transitional justice mechanism. The partnership of women organizations and community based groups is imperative.

*Assistance needed: Donor partners are needed to get the TRC off ground by providing resources and capacity building programs.*

24. Rape and gender based violence are still problems of massive proportion in Liberia. Rape cases of women, girls and even infants are increasing but few cases are prosecuted. There are many factors that contribute to the problem including a scarcity of prosecutors; shortage of and lack of respect for police officers; lack of victim support programs; lack of effective complaint procedures; problems with court administration and scheduling court dockets.

Assistance needed: Support for a long term, wide-spread campaign, involving Government, civil society, NGOs, churches, schools, community leaders, fathers, sons, and brothers, to end impunity for crimes against women and create an environment of accountability and tolerance.

Donor support needed for "Women and Child Protection Units" in Liberian National Police Force Stations and further expansion into the counties.

Technical assistance needed to create and training police in effect complaint taking system.

*Programs: The Ministry of Gender and Development is working on a National Gender Based Violence Plan.*

*ABA has a planned project to establish victim support centers for victims of Gender Based Violence.*

*PAE has a program to strengthen court administration procedures.*

*PAE has a program to train court reporters. ILAC has a complementary program to train additional court reporters, including a number of women.*

*ILAC has a program to train prosecutors in human rights, including gender issues.*

25. In 2005 a new Rape Law was passed, expanding the traditional definition of rape to include a variety of other previously unrecognized sexual violations. The new law provides tough measures for gang rape by making it a first degree felony and a non-bailable offence. In 2003 the Act to Govern the Devolution of Estates and Establish the Rights of Inheritance for Spouses of Both Statutory and Customary Marriages was passed. The Act prohibits compulsory bride wealth, forbids subjecting a wife to compulsory labor, and outlaws non-consensual or forced marriages. Women married under civil law can now inherit land and property. Extensive dissemination of information and rights contained in these laws in needed. Training programs designed to sensitize participants to the content of the laws as well as effective enforcement should be wide spread and include not only women but judges, prosecutors, defense attorneys, private lawyers, the police, law students, etc.

*Assistance needed: Build capacity of local NGOs through a train the trainers programs and provision of resources for dissemination of the information contained within the laws.*

26. There is a huge backlog in the courts. One proposal to deal with the backlog and the increasing number of rape cases is to create a 'fast track' court system for cases of rapes and gender based violence. South Africa, widely reported to have one of the highest incidence of rape in the world, in 2003 set up dedicated rape courts, with specially trained prosecutors and judges, which are achieving much higher convictions than the regular courts. It was discussed that it could be beneficial for Liberia to liaise with South Africa and others regarding dedicated rape courts to determine if this could be part of a solution for Liberia.

## III. Rehabilitation and Reform of the Judicial Infrastructure, Institutions (including Staffing and Service Conditions), and Processes to enhance the Involvement of Women and their Access to Justice

27. There is an obvious need to increase legal literacy throughout Liberia; this is particularly evident in the counties. A program of legal assistants, or paralegals, could be utilized in the dissemination of information regarding rights, laws, how to redress a grievance, where to obtain legal assistance, etc. There are networks of women in the outlying counties, who are well integrated in their communities that could be trained as legal assistants/paralegals. Both South Africa and Kenya discussed the success of paralegal advice programs in their countries; paralegal offices that help citizens understand their rights and how they work. Many people living in the rural areas don't know their rights and perceive government to be only for the elite. Legal aid and paralegal programs in South Africa, Kenya, and other countries in the Africa region could be reviewed for best practices and potential application within Liberia.

*Assistance needed: Donor partners are needed to get this program off the ground by providing resources and capacity building for women in the counties.*

*Programs: Women's organizations, including the Association of Female Lawyers of Liberia (AFELL), are advocating for a program of dissemination of laws and legal assistants in the counties.*

28. Alternative dispute resolution is another alternative to the formal justice system, particularly in rural areas. Certain disputes, such as those involving land, trade or between tribes could be particularly appropriate for mediation or arbitration. The creation of alternative channels for

resolution of disputes must be accompanied by programs that educate and inform the people regarding the use of such mechanisms. South Africa has a very successful network of "Restorative Justice Centres" in all urban centres and many rural communities that assist with resolving disputes outside the court system. These centres as well as other mechanisms for alternative dispute resolution should be examined and analyzed for best practices and potential application in Liberia.

## IV. Increased Employment of, and Specialized Training for, Women Judges, Prosecutors and Lawyers (including as Defense Counsel) as well as the Provision of Legal Education and Assistance for Female Citizenry

29. There is a general scarcity of trained judges, prosecutors, defense attorneys and private lawyers in Liberia, both women and men. The majority of those that are trained are employed by the United Nations Mission in Liberia or international NGOs, leaving only approximately 100 lawyers to serve nearly two million Liberians.

    There is an urgent requirement to address this dearth of available expertise, for short, medium and longer term development.

    *Assistance needed: Donor partners are needed to help provide for the additional prosecutors and defense attorneys needed to address the existing backlog and increasing number of cases.*

    *Programs: UNMIL has provided additional prosecutors to the Ministry of justice for a limited time.*

    *PAE has a program to prosecutor mentoring program to strengthen capacity.*

30. For longer term development assistance is needed to strengthen the legal education. This includes supporting the law school so that students are properly educated and prepared to become competent and contributing members of Liberian society, including reviewing the curriculum, bolstering the faculty with experienced law professors, expanding the library and increasing legal resource materials, providing full scholarships to qualified students, including girls, upon a commitment to practice in the outlying, etc. Additionally, it was proposed that issues regarding gender justice could be included in the curriculum of the universities and become part of teacher training programs to raise awareness of gender justice among the faculty and student body through collaboration with the Consortium of Liberian Universities.

    *Programs: ABA is planning to establish a student legal clinic attached to the Arthur Grimes School of Law.*

31. There is a scarcity of law books in Liberia. Many judges, prosecutors and lawyers are practicing without benefit of law books. Most law students are attending the law school without benefit of law books. Many of the Ministries do not have access to the laws of Liberia and it is questionable whether anyone in the outlying counties has access to the laws of Liberia. While several sets of books are in the process of being printed and sent to Monrovia, this is not a solution and only furthers the concept that the laws are only for the elite. In addition to the limited set of law books, the Government of Liberia needs assistance with making these laws freely available on-line and in DVD format.

*Assistance needed: The Government of Liberia needs technical assistance and resources to make the laws of Liberia freely available on-line and in DVD format.*

*Programs: The ABA and PAE are providing several sets of law books to the Law School, Ministry of Justice, Parliament, and others.*

32. Additionally, the impact of the United Nations and other international implementers on national capacity should be examined. Are international assistance programs inadvertently depleting national capacity by hiring Liberian professionals away from the government and national organizations and paying them a higher salary than the national budget can support?

## V. Collaboration and Coordination among Regional and International Partners

33. The conference allowed for a valuable exchange of information regarding the challenges and achievements in gender justice faced by Liberia's neighbors and countries with similar recent histories: Sierra Leone, Cote D'Ivoire and Southern Sudan. The participants expressed their desire to continue such dialogue and to create an open channel for a process of continued collaboration and information sharing throughout the region.

34. South Africa has experienced many challenges, obstacles and successes in its post-Apartheid development, many of which are similar to those Liberia is now experiencing. South Africa has a history of collaborating with its African neighbors and has programs in Sierra Leone, Southern Sudan, Zambia, Kenya, and Tanzania. Sweden, too, has a history of providing support to many countries in the areas of gender development and programs to combat gender-based violence, including South Africa. South Africa and Sweden, both individually and as the Co-Chairs of the Partners for Gender Justice, are dedicated to continuing the process of collaboration begun in Monrovia. ILAC and UNIFEM are committed to expanding their programs to support the Liberian National plans to achieve gender justice in Liberia.

35. Six years ago, the Security Council adopted resolution 1325 (2000) underscoring the significance of mainstreaming gender justice and gender equality in conflict prevention, conflict resolution and peacebuilding processes. In 2001–2002 the women of Liberia were actively involved in the peace process and were part of the efforts that led to the 2003 Comprehensive Peace Agreement. In 2005, the women of Liberia were actively involved in the election process and it was largely their efforts that resulted in the election of the first female president in Africa. The women of Liberia are now actively involved in governance, with a female president and women in key cabinet posts. This report highlights the priority requirements and assistance needed that pave the long way forward toward achieving gender justice and equality for the women, men and children of Liberia.

## D. Initial Meeting Outcomes

36. South Africa and the Ministers of Justice and Gender and Development are discussing a proposed visit by a Liberian delegation to South Africa to visit various South African institutions, Commissions and centers.

37. ILAC has brought the need for a program to provide resources and training to build the capacity of legal assistants/paralegals in the counties to the attention of certain donors, which was received positively.

38. ABA will host a training seminar in Monrovia on gender based violence.